IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 25419 of 2002

Between:

Banoth Chathru s/o Banoth Sakru
22 yrs, Fair price shop dealer

Bommera Village, Palakurthy Mandal,
Warangal District.

..... PETITIONER

AND

1 The District Collector, Warangal District at Subedari,Hanmakonda,
Warangal town and District.
2 The Joint Collector, Warangal District at Subedari, Hanmakonda,
Warangal town and District.
3 The Revenue Divisional Officer, Jangaon

Revenue Division, Warangal Dist.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Certiorari by calling for the records Rev. Appeal no.12/2002 dated 16-10-2002 on the file of the Ist respondent and quash the same as illegal, arbitrary, improper and consequently restore the authorisation of the petitioner Fair Price shop No.2 of Bommera Village, Palakurthy mandal, Warangal District.

Counsel for the Petitioner : MR.B.NARAYANA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER

The petitioner herein who belongs to Scheduled Tribe seeks to assail the orders of the 3rd respondent herein dated 22-11-2001 cancelling the authorization and as confirmed in the appeal by the 2nd respondent as per the order dated 20-6-2002 as bad and illegal.

The grievance of the petitioner in brief is that he has been appointed as fair price dealer of shop No.2 of Bammera village, Palakurthy mandal , Warangal district, in the year 1992 and he is doing business without any complaints. However, on certain allegations, the impugned proceedings were initially passed on 22-11-2001 by the 3rd respondent herein cancelling permanently the dealership. The said orders were confirmed in the appeal. The main grievance of the petitioner is that the impugned proceedings are totally without any notice and enquiry as contemplated under the law and therefore, the same is vitiated. Further the allegations also do not warrant any such serious punishment of cancellation of the dealership.

Having heard the counsel and perusal of material, it is to be seen that the primary authority namely the 3rd respondent, has passed orders on 22-11-2001 which on the face of it, discloses that no notice was given to the petitioner nor any enquiry was

conducted in his presence. However, the same was sought to be confirmed in the appeal. Having regard to the same it is too late in the day to say that any cancellation of such license can be done without any notice and enquiry as such.

In the circumstances, the Writ Petition is accordingly, allowed. The impugned orders are set aside. No costs.

19-11-2004.

Hsd

That Rule Nisi has been made absolute as above.

Witness Sri Devinder Gupta, the Hon'ble the Chief Justice on this the 19th day of November, 2004.

Asst.Registrar.

To

1 The District Collector.,Warangal District at Subedari, Hanmakonda,Warangal town and District.
2 The Joint Collector.,Warangal District at Subedari, Hanmakonda, Wanragal town and District.
3 The Revenue Divisional Officer, Jangaon

Revenue Division, Warangal Dist.

4. 2 C.Cs to G.P. for Civil Supplies, High Court of A.P., High Court Buildings, Hyd. (OUT)

5. 2 C.D. copies.